

PATENT APPLICATION

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re application of

Docket No: Q76973

Gerard VERGNAUD, et al.

Appln. No.: 10/647,255

Group Art Unit: 2445

Confirmation No.: 3044

Examiner: Joshua JOO

Filed: August 26, 2003

For: A METHOD AND A SERVER FOR ALLOCATING LOCAL AREA NETWORK
RESOURCES TO A TERMINAL ACCORDING TO THE TYPE OF TERMINAL

RESPONSE TO NOTICE OF NON-COMPLIANT APPEAL BRIEF UNDER 37 C.F.R. § 41.37

MAIL STOP APPEAL BRIEF - PATENTS

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

In response to the Notification of Non-Compliant Appeal Brief dated April 26, 2011, Appellant respectfully submits that the initial Appeal Brief filed on April 9, 2009, complies with the rules and therefore requests an Examiner's Answer. However, in an effort to advance the appeal process, Appellants submit herewith an amended Summary of the Claimed Subject Matter section.

In the amended Summary of the Claimed Subject Matter section enclosed herewith, Appellant has emphasized (using **bold** lettering) the independent claims (i.e., claim 1 and 28) that were reflected in the Summary of the Claimed Subject Matter section of the previously filed Appeal Brief. This subject matter was reflected in the initially filed Appeal Brief and, thus, a Notice of Non-Compliant Appeal Brief should not have been issued based on this matter¹.

¹ Please note that the claim limitations are mapped to the figures and paragraph numbers of the originally filed specification.

To the extent that a Petition is necessary, Appellant respectfully petitions for acceptance of the accompanying amended Summary of the Claimed Subject Matter section. Although Applicant believes that no fee is due, the USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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Date: May 26, 2011

V. SUMMARY OF THE CLAIMED SUBJECT MATTER

An exemplary embodiment is directed to a processing server for allocating to user terminals resources of a local area network (*see e.g., Fig. 1, element 10, page 9, lines 31-36*). The server is connected to at least one local area network access point, and the server includes: a control module (*see e.g., Fig. 1, element 11, page 10, lines 30-32*), which: classifies the terminals into a first group or a second group according to whether or not the terminals establish an encrypted communication with the local area network (*see e.g., page 10, line 34 – page 11, line 8*); and allocates resources of the local area network to the terminals attempting to establish communication with the local area network as a function of whether the terminals are classified in the first group or the second group (*see e.g., page 11, line 9 – line 14*). The control module allocates at least two priority levels to the terminals for the allocation of resources of the local area network according to whether the terminals are classified in the first group or the second group and automatically modifies an allocated priority level as a function of the available resources of the local area network (*see e.g., page 11, line 9 – line 14*). *See, e.g., claim 1.*

Another exemplary embodiment is directed to a method of allocating resources of a local area network to user terminals via at least one access point to the local area network. The method includes: in the case of an attempt at setting up a connection with the local area network by a terminal of said terminals, classifying the terminal in a first group or a second group according to whether or not said terminal establishes an encrypted connection with the local area network (*see e.g., page 10, line 34 – page 11, line 8*); and allocating resources of the local area network to the terminal as a function of whether the terminal is classified in said first group or said second group, wherein at least two levels of priority for allocation of resources of the local area network are allocated to terminals according to whether the terminals are classified in the

first group or the second group and wherein an allocated priority level is automatically modified as a function of the available resources of the local area network (*see e.g., page 11, line 9 – line 14*). *See, e.g., claim 28.*